

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, California 95814



September 11, 2002

ALL COUNTY INFORMATION NOTICE NO. I-48-02

TO: ALL COUNTY WELFARE DIRECTORS  
ALL CALIFORNIA TRIBAL CHAIRPERSONS  
ALL INDIAN CHILD WELFARE DIRECTORS  
ALL COUNTY PROBATION DEPARTMENTS

SUBJECT: INDIAN CHILD WELFARE ACT UPDATE

**REASON FOR THIS TRANSMITTAL**

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order
- ☐ Clarification Requested by One or More Counties
- ☒ Initiated by CDSS

This All County Information Notice is to inform and update California Tribes, county child welfare agencies and county probation departments of the California Department of Social Services' (CDSS) ongoing efforts to promote effective partnerships among Tribal, county and State governments, as well as facilitate the full implementation of the Indian Child Welfare Act (ICWA) of 1978 [Public Law 95-608] pursuant to State and Federal mandates.

**Early Intervention Unit ICWA Staff**

The CDSS recognizes the importance of protecting and preserving Indian Tribes and their most valuable resource, their children. The proper implementation of the federal ICWA is paramount in preventing the breakup of Indian families and promoting Tribal involvement on behalf of Indian children entering the child welfare system. In an ongoing effort to strengthen the working relationship among California Tribes, County staff and CDSS, two full-time positions have been created within the Children and Family Services Division. These positions are within the Child Protection and Family Support Branch, and report to George Chance, Program Manager of the Early Intervention Unit. The Early Intervention Unit promotes new and existing strategies to prevent children from entering the child welfare system.

Erika Peasley has recently been appointed to one of the ICWA positions. She is an enrolled Tlingit tribal member and has worked on Native American issues in the children's services field for the last several years. Anne Smith, has been involved in ICWA activities for the past three years and will fill the second ICWA position so as to continue to be a valuable resource to Tribes and county staff. The ICWA staff bring their experience, education, expertise and commitment to promoting both an understanding of, and an improved practice regarding Indian Child Welfare issues.

### **Tribal Advisory Committee**

Building upon its government to government relationship, CDSS initiated a Tribal Government Advisory Committee in March 2001 to facilitate the mutual exchange of information; discussion of issues; development of strategies and consensus building regarding policy development and program implementation. The CDSS works collaboratively with the Tribal Advisory Committee to identify emerging issues, discuss and develop strategies for addressing issues, and to facilitate the inclusion of Tribal perspectives in CDSS program and policy implementation. The Tribal Government Liaison for CDSS, Marilyn Delgado, serves as the Chair of the Tribal Advisory Committee for CDSS. The Tribal Liaison is appointed by the Governor and acts as Special Assistant to the Director in identifying and addressing issues affecting Tribal governments and communities. Ms. Delgado assists the Director, Chief Deputy Director and other departmental staff in addressing Tribal/State issues and developing strategies for successful implementation of departmental programs.

### **Tribal Advisory Subcommittee on ICWA Issues**

Due to the complex nature of the ICWA issues and the strategies being considered by CDSS, the Children and Family Services Division has convened a Tribal Advisory Subcommittee that will focus on ICWA issues that have been raised by the Tribal Advisory Committee, Tribal communities and county staff. This subcommittee includes Tribal representatives selected by the Tribal Advisory Committee, who have expertise in ICWA issues. County representatives will also be invited to participate on this committee to further the Tribal/State/County partnership that is essential to achieve the goals of the Department regarding ICWA.

The subcommittee will closely review and discuss specific ICWA issues and concerns that are raised in the general Tribal Advisory Committee. In addition, the subcommittee will identify training topics that address specific areas of need, and develop a list of appropriate subject matter experts to present the training to Tribal, county and State child welfare and probation staff. Training will be planned, scheduled and conducted regionally throughout the State. These sessions will include topics relating to ICWA, such as the Adoption and Safe Families Act and other related issues.

### **AB 1525 Agreements**

The CDSS continues to address challenges that inhibit the implementation of the AB 1525 Intergovernmental Agreements with Tribes. The ICWA staff will support the work with Tribes and county child welfare agencies in strengthening relationships that respect mutual roles and responsibilities in the provision of child welfare services to Indian children.

### **Department Regulations**

The CDSS continues to support and strengthen the intent of ICWA in its statutes and regulations. The California Manual of Policies and Procedures Division 31 regulations summarize key provisions of ICWA and provide procedures based on ICWA. County social services agencies and probation departments are required to comply with these laws and regulations in identifying children with Indian heritage and noticing Tribes in a timely manner.

In an effort to clarify adherence to ICWA, as well as changes in State law, a work group has been formed, including members of the Tribal Advisory Committee, to develop draft regulations.. These draft regulations will be submitted to the County Welfare Directors Association and to Tribal representatives for review and input.

### **Annual California Indian Child Welfare Act Conference**

The CDSS provides annual funding in support of the ICWA Conference hosted by California Tribes. The purpose of the conference is to inform service providers, judges, attorneys, Tribal leaders, and social service and probation agency personnel to the provisions of the ICWA. California Tribes determine the conference agenda and plan the annual event. The CDSS participates on the planning committee and presents many workshops. The CDSS encourages county staff to attend these informative conferences. The ICWA staff is developing local contact information to provide advance notices regarding future conferences.

### **ICWA Roundtables**

The CDSS staff attends and participates in several county ICWA Roundtables. The roundtables often consist of local juvenile court judges, local Tribes, county social service agencies, probation and other interested individuals who may impact Indian children and families in the child welfare or delinquency system. The purpose of these roundtables is to educate those individuals involved on ICWA and to promote discussions regarding local ICWA compliance. One county has used the roundtable forum to develop a list of expert witnesses that all parties will accept. In another county, a strategy being discussed with a consortium of Tribes is the development of a Tribal court to allow the transfer of child custody proceedings for Indian children to the Tribal court for adjudication and placement.

### **County ICWA Units**

The CDSS supports the establishment of ICWA units at the local level and encourages county efforts to establish new ICWA units. A model unit in one county is staffed with specialists, familiar with the application of ICWA, that work at all levels to administer and ensure the application of ICWA. The county staff works with Tribes as resource partners in providing services to children and families and continue to address any

barriers to Tribal intervention in cases that involve Indian children. A number of smaller counties that do not have ICWA units have identified ICWA specialists who are responsible for the application of ICWA.

### **ICWA Survey**

The CDSS will create a computer list-serve that will enable CDSS to more efficiently disseminate program information, training developments and potential funding resources to Tribes, private agencies or county departments. To support this effort, we would like you to identify your ICWA contact person. For Tribes or private agencies, this person might be the ICWA Director, Program Manager or Lead Social Worker. For counties, this person might be the ICWA Unit Manager, Program Manager, ICWA Specialist or Tribal Liaison.

In an effort to more fully understand current issues that exist in the field related to ICWA, we have included a brief Information Survey for you to complete and return. Erika Peasley, Anne Smith, and George Chance are available to answer questions, discuss concerns and/or provide technical support concerning the application of ICWA in child welfare cases, the interpretation of CDSS regulations in ICWA cases, and the development of ICWA policies and practices in your agency. They can be contacted via telephone at (916) 445-2890, fax (916) 445-2898 or via e-mail at [Erika.Peasley@dss.ca.gov](mailto:Erika.Peasley@dss.ca.gov), [Anne.Smith@dss.ca.gov](mailto:Anne.Smith@dss.ca.gov), and [George.Chance@dss.ca.gov](mailto:George.Chance@dss.ca.gov).

We look forward to working with all of you in achieving our mutual goals of promoting and protecting the stability and security of Indian tribes and families through greater understanding and adherence to ICWA.

Sincerely,

*Original signed by Sylvia Pizzini*

*September 11, 2002*

SYLVIA PIZZINI  
Deputy Director  
Children and Family Services Division

## ICWA CONTACT INFORMATION SURVEY

Please complete this survey and return to:  
California Department of Social Services  
744 P Street, M.S. 19-87  
Sacramento, California 95814  
Attention: Erika Peasley  
Fax: (916) 445-2898,  
[Erika.Peasley@dss.ca.gov](mailto:Erika.Peasley@dss.ca.gov)

(PLEASE FEEL FREE TO ADD PAGES AS NECESSARY)

1. Name of Tribe, Tribal/private organization, county department:

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2. Contact person (Please specify title i.e., Director, Manager, ICWA Specialist, Social Worker, Advocate, etc.):

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3. Address:

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4. Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

5. Email address: \_\_\_\_\_

6. What practices exist in your area that foster cooperative, open communication between Tribes and other agencies on ICWA-related topics? Please identify any activities that work particularly well and could be shared with other Tribes, organizations and counties.

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7. Please identify any challenges you are experiencing or concerns you have pertaining to ICWA issues:

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8. Please prioritize training and/or technical assistance needs specific to ICWA within your county: (list most important issues first)

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9. Does your county have a specific Indian/ICWA unit within child welfare services?

☐ Yes      ☐ No      ☐ Unknown

If yes, who is the contact person (if not identified above)?

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10. Does your county have an ICWA Protocol?

☐ Yes      ☐ No      ☐ Unknown

11. Has an ICWA Roundtable been established in your area?

☐ Yes      ☐ No      ☐ Unknown

If yes, please provide contact information for the Roundtable Coordinator:

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12. Do you have additional comments or concerns that we haven't asked about?

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THANK YOU FOR YOUR PARTICIPATION!